FOR MYSORE STATE

Rural Welfare (1951) Department.

MIS SERIES.

closed

G.O. NO.	1370 1370
Dated	24.12.51 20-12-51

[Despatch Abstract.]

Suits - Bellary - O.S. No. 240/51 on the
of the Dt. Munsiff's court. Hospet - Madh...
Defence - draft written statement - approved.

Special

Revenue Department.
Subject.

Suits - Bellary - O.S.No.240/51 on the file of the District Munsiff's Court, Hospet - Madras state - Defence - sanction of and draft approval of - written statements - submitted.

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Ref.I.8442/51.

Station: Madras. Dated 7.11.51.

From

Sri N.C. Thomas B.A.,
Joint Secretary, Board of Revenue, Madras.

Sri S. Ranganathan I.C.S., Commissioner of Land Revenue.

Read:- From the Collector of Bellary, Rc.No.12786/51.A.1. dated 29.9.51.
G.O.No.Ms.903 Rural Welfare Department, dated 31.8.51.
From the Government, R.W.D. Endorsement No.50678. R.W.51.1 dated 20.10.51.

Reference:-

Submitted to the Government.

2. The Board requests that the draft written statement which is in order may be approved. The connected records are enclosed.

For Joint Secretary.

To the Secretary to Government, Rural Welfare Department, with records.

ADN.7.11.

Copy of the letter from the Collector of Bellary, Rc.No. 12786/51.A.1 dated 29.9.51.

Sub:- Suit - Bellary - O.S.No.240/51 on the file of the District Munsiff of Hospet - Madras state - defence - sanctioned - draft written statement - submitted - approval requested.

Ref:- G.O.Ms.No.903 dated 31.8.51.

I enclose a copy of the draft written statement preparedd by the Government Pleader, Bellary for the approval of the Government.

The following records are submitted herewith for reference and return.

1. Copy of the plaint.
2. Sandur Taluk HDR 787/9.10.1937 - 103 pages.
3. Sondur Taluk M(IA)42 dated 30.12.42. 18 pages.
4. " CR.11(1A)42.43 54 pages.
5. " PHD.2/38.39 ... 22 pages.
6. This office C.No.10987/50.S.1 140 pages CF. and 32 pages.
7. Draft written statement.

Copy to the Pleader doing Government work at Hospet. He is requested to attend to the District Munsiff's Court, Hospet on 5.10.51 and take adjournment as the approved draft written statementmay not be obtained from the Govt. by 5.10.51. He is requested to intimate to this office the date of next hearing.

Copy to the Government Pleader, Bellary for information.

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contd

In the Court of the District Munsiff of Hospet.

O.S.No.240 of 1951.

Between

Tyakal'u Gurusiddappa — Plaintiff.

Vs.

1. The state of Madras Represented by the Collector, Bellary.
2. Gagga Rudrayya — Defendants.

Written statement on behalf of the 1st Defendant.

1. The suit is not maintainable in law and on merits.
2. The plaintiff is put to strict proof of all the allegations which are not expressly admitted by the defendants herein.
3. It is true that the site has been acquired, for a public purpose and the land was assigned to 2nd defendant's father and his son, on condition that he or his son construct a public choultry and raise a public garden at a cost of Rs.10,500/-
4. The 2nd defendant is willing to construct the choultry and till the plans are approved by the Government, the 2nd defendant has cultivated the lands, as they are agricultural lands.
5. The suit does not lie at this stage as land acquisition proceedings had been completed before 1939. The orders of the Sandur Government passed on 31.12.1944 are conclusive and the plaintiff is entitled to a compensation of Rs.336/-. As such, this is a closed transaction now barred by the Merger Agreement.
6. The suit is not maintainable as no previous sanction of the Government of India has been obtained for filing the suit against the defendant.
7. The defendant submits that the plaintiff is not entitled to the land or to the mesne profits.
8. The defendant is not liable for the costs or interest as the plaintiff had been asked to receive the compensation amount long before the suit.
9. The suit is highly speculative; vexations and harassing.
10. There is no cause of action for the suit.
11. The suit is barred by the period of limitation.
12. The defendant therefore prays that the suit be dismissed with costs under section 35 A.C.P.C.

/ True Copy /

8/10/57

For Joint Secretary.

7/11

R.W.T

To the Collr. R. port
Despatch by
dtd
26/12

Subs: Suits - Bellary - O.S.No 240/51 on the file of the Dt. Munsiff's Court, Hospet - Madras State - Defence - ~~Sanctioned~~ - Draft written Statement Approved

P 17 Q 6 (A)
P pt 2 Cf

Read again G.O.Ms 903 R.W. d 31-8-51

Read also From the Collector of Bellary ~~[illegible]~~, R.C.No 12786/51-A1 d 29-9-51

P 1 Cf

From the Bd. of Rev. Ref. I. 8442/51 d 7-11-51

G.O.Ms. 1370 R.W. d 24-12-51

P 2 Cf

and with enclosure
R.O. dtd 27.12.51

The draft written Statement to be filed on behalf of the State in O.S.No 240/51 on the file of the Dt. Munsiffs Court, Hospet, Bellary Dt. is approved.

21.12.51

27.12.51

26.12.57 24.12.57

To
the Collr. of
Bellary
(with enclosure)

The Bd. of Rev.
Madras

S.F/S.C

Rural Welfare Deptt.(V)

Sub: Suits - Bellary - O.S.No.240/51 on the file of the District Munsiff's Court - Hospet - Madras State - Defence Sanction of - Draft Written statement - Approval - Request

Ref: From the ~~Board of~~ Board of Revenue, Ref.I. 8442/51 dated 7-11-51.
From the Collector of Bellary, Rc.No.12786/51-A dated 29-9-51.

Please see the Board's reference in the c.f.

2. The acquisition of an extent of Ac.2.94 of land in Sandur was sanctioned by the Sandur Durbar in the year 1939 for the construction of a Choultry and for raising a public garden on the lands proposed for acquisition. S.Nos.211 and 215 of Sandur measuring Ac.1.44 belong to Sri Ayikal Gurusiddappa, the Plaintiff, ~~the~~ who objected to take the compensation amount sanctioned by the Sandur Govt. at Rs.100/- per acre. The compensation was later on fixed at Rs.336/- in 1944. In G.O.Ms.No.339, R.W., dated 10-10-50, sanction was accorded for the payment of the compensation to the Plaintiff, but he refused to receive the amount. He has now filed the present suit.

3. In July 1950 Sri A. Gurusiddappa issued a notice of suit under section 80 C.P.C. impleading the State of Madras as the first defendant. The main points raised by him were:-

(i) that the acquisition proceedings of the Sandur Durbar were not in order and

(ii) that the lands were not acquired for a public purpose.

The Government Pleader, Bellary, was of opinion that the lands were acquired for a public purpose and that the plaintiff had no right to question the alienation of the lands at this distance of time. In the circumstances orders were issued in G.O.Ms.No.903 R.W., dated 31-8-51 sanctioning the defence of the ~~threatened~~ suit. The Collector of Bellary was asked to submit the draft written statement prepared by the Govt. Pleader for the approval of the Government before it was filed in the Court.

4. The Collector has now submitted through the Board of Revenue a copy of the draft written statement. Please see p.2 c.f. A copy of the plaint is available on pp.13-14 c.f. of (A). The Board of Revenue reports that the draft written statement is in order and may be approved. Submitted that the draft written statement may be

approved. Legal (opinion) may see for scrutiny.

19.11.51

19.11.51.

21.11.51

22.11.51

Legal (opinion) Asper R.W.S. is in order.

17/Nov-1.

Legal. (opinion)
Home 5790 GR dt 51
22-11-51

ASSISTANT SECRETARY
20182
24 1951
LEGAL DEPARTMENT

Legislative No. 20182/51
19/12/51

R.W.S.

Please see the notes on Pp 1-2 above and the remarks of Legal above. A draft order is submitted for approval.

23/12/51

23.12.51.

24.12.51

24.12.51

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18 DEC 1951